

HOUSE BILL REPORT

SSB 5012

As Passed House:

March 30, 2009

Title: An act relating to abducted or missing persons.

Brief Description: Directing the Washington state patrol to develop a plan to assist in the recovery of missing persons.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kilmer, Swecker, Haugen, King, Sheldon, Marr, Kauffman, McAuliffe, Parlette and Roach).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 3/17/09 [DP].

Floor Activity

Passed House: 3/30/09, 97-0.

Brief Summary of Substitute Bill

- Requires the Washington State Patrol (WSP) to develop and implement an America's Missing Broadcast Emergency Response (AMBER) Alert plan to assist in recovering abducted children.
- Requires the WSP to develop and implement an Endangered Missing Person Advisory plan to assist in recovering endangered missing persons who do not qualify for inclusion in an AMBER Alert.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Yvonne Walker (786-7841)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The America's Missing Broadcast Emergency Response (AMBER) Alert plan is named after 9-year-old Amber Hagerman of Arlington, Texas who was abducted and murdered in January 1996. In remembrance of Amber, her name became the nationally recognized acronym for the AMBER Alert.

The AMBER Alert system is a system in which broadcasters, cable systems, and law enforcement agencies voluntarily cooperate to assist in finding abducted children. An AMBER Alert may be activated directly by a local law enforcement agency that has either an approved local AMBER Alert plan or a mutual aid agreement with an agency that has an approved plan, or by the Washington State Patrol (WSP) if the local law enforcement agency does not have an approved plan. The WSP then notifies the Washington State Emergency Management Division which issues the alert to radio and television media through the Emergency Alert System (EAS). Radio and television media will then broadcast the information about the abduction provided through the EAS. This information typically includes a picture or description of the missing child, details of the abduction, the name and a picture or description of the suspected abductor, and information about the vehicle used by the abductor. The WSP also notifies the Department of Transportation (DOT) of the AMBER Alert, and the DOT places the alert information on highway traffic signs.

An AMBER Alert may be initiated in abduction cases that meet criteria specified in the AMBER Alert plan. The main criteria are:

- the child is under the age of 18 and is known to be abducted (not a runaway);
- the child is believed to be in danger of death or serious bodily injury; and
- there is enough descriptive information available to believe that an AMBER Alert activation will assist in recovery of the child.

The Department of Justice AMBER Alert Coordinator and the National Center for Missing and Exploited Children have provided guidelines for the states when establishing criteria for issuing an alert. As of 2005, all 50 states have adopted an AMBER Alert plan.

Although the AMBER Alert system is primarily for missing children under the age of 18, some states have also started "Silver Alert" programs for adults with a cognitive impairment who are lost. Silver Alerts are modeled after the AMBER Alert program and are designed to alert the public and law enforcement agencies to help look for and identify missing adults. These programs often are targeted for adults with Alzheimer's disease, dementia, or other cognitive impairments.

Although the AMBER Alert system has been operational for many years in Washington, it is not codified in statute.

Summary of Bill:

The WSP must develop and implement an AMBER Alert plan that involves the voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, and cable and satellite systems to enhance the public's ability to assist in recovering abducted children.

The WSP must also develop and implement an Endangered Missing Person Advisory plan. This particular plan involves the voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, and cable and satellite systems to enhance the public's ability to assist in recovering endangered missing persons who do not qualify for inclusion in an AMBER Alert.

Both the AMBER Alert plan and the Endangered Missing Person Advisory plan must be developed and implemented by the WSP within existing resources.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill takes a step to protect the state's most vulnerable citizens. This bill came about due to a lady who spent six months or more looking for her mother who went missing. Several months later her mother's remains were found just 200 yards from her car. Over the years, several other states have adopted other versions of the AMBER Alert program for wandering older adults that have cognitive impairments.

The current AMBER Alert program was developed by the WSP at the request of former Governor Locke. Washington is known for having one of the best AMBER Alert programs in the nation but it does not have a statutory basis. This act provides the statutory elements for the AMBER Alert program and the Endangered Missing Persons Advisory program.

The fiscal note reflects a \$15 cost from the General State Fund. This is just for some of the paperwork that the WSP will have to do under the bill. This bill just codifies what the WSP is already doing and the agreement that they have with many stakeholders.

(Opposed) None.

Persons Testifying: Senator Kilmer, prime sponsor; Mark Allen, Washington State Association of Broadcasters; and Jeff De Vere, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.